

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

| | | |
|-----------------------------------|---|-----------------|
| IN THE MATTER OF APPLICATION FOR | : | |
| A REAL ESTATE SALESPERSON LICENSE | : | ORDER GRANTING |
| | : | LIMITED LICENSE |
| DEAN GEORGE | : | |
| APPLICANT | : | 0004548 |

DLSC Case No. 15 REB 117; DHA Case No. SPS-16-0002

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

DEAN GEORGE
DEAN GEORGE AUCTION SERVICE
11211 N UNION RD
EVANSVILLE, WI 53536-9373

REAL ESTATE EXAMINING BOARD
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WI 53708-8935

PROCEDURAL HISTORY

On April 9, 2015, the Real Estate Examining Board (Board) denied DEAN GEORGE'S (Applicant) application for a license to practice as a Real Estate Salesperson in the state of Wisconsin. On May 21, 2015, counsel for Applicant sent a letter requesting a hearing on the denial asserting, among other things, a mistake in fact in the April 9, 2015 letter. The alleged mistake in fact was brought to the attention of the Board for reconsideration. The Board again denied the Applicant's application. A second Notice of Denial was sent to Applicant on June 4, 2015. On July 17, 2015, counsel for Applicant sent a letter informing the Board that the Applicant stood by his May 21, 2015, letter requesting a hearing on the Board's denial.

On July 27, 2015, counsel for Applicant was sent a letter denying Applicant's request for a hearing on the denial for failure to assert a mistake of either fact or law which constitutes reasonable grounds for reversing the decision to deny licensure. On August 26, 2015, counsel for Applicant filed a Summons and Petition for judicial review. On November 18, 2015, counsel for both parties agreed by stipulation to stay the proceedings in the judicial review and to remand the case to the ALJ for a hearing on the matter.

Prior to the hearing, the parties in these matters agreed to the terms and conditions of the attached Stipulation as the final disposition of these matters. Applicant agrees to seek dismissal of the pending circuit court action (Dane County Case No. 15CV2241) and to refrain from

pursuing any cause of action or damages arising from the Summons and Petition filed on August 26, 2015.

FINDINGS OF FACT

1. DEAN GEORGE (Applicant) has filed an application (# 529113) for a credential to practice as a Real Estate Salesperson in Wisconsin.
2. Information on file establishes that Applicant holds another professional credential in Wisconsin. On or about March 1, 1995, Applicant was granted an Auctioneer credential, # 486-52.
3. Applicant has received the following three (3) disciplinary actions relating to his Auctioneer credential:
 - On or about November 18, 1999, Applicant's Auctioneer credential was suspended for six (6) months as a result of his 1997 convictions for Disorderly Conduct and Criminal Trespass to Dwelling. Applicant was also ordered to pay costs relating to this action.
 - On or about July 24, 2007, Applicant's Auctioneer credential was reprimanded and Applicant was ordered to pay costs in case LS0707242AUC.
 - The reprimand was due to Applicant's failure to include the following required contents in an October 2005 auction advertisement:
 - The statement "Registered Wisconsin Auctioneer"
 - The license number of the auctioneer responsible for the auction
 - A statement of terms and conditions under which a registrant will accept payment by buyers at the auction
 - A statement as to whether or not a buyer's fee will be charged
 - On or about July 20, 2012, Applicant's Auctioneer credential was suspended in cases 08AUC017 and 09AUC006.
 - Order number 1937 suspended Applicant's credential for one (1) year. Applicant was also ordered to complete 12 hours of continuing education, pay costs, and pay a forfeiture.
 - This suspension related to the auction of a couple's house. Applicant had requested the relatives of the couple to bid on the house in order to get a better price for the house. As a result, both relatives bid on the property with no intention of purchasing it.
 - After review, the circuit court upheld the Board's conclusion that Applicant "engaged in conduct evidencing a lack of knowledge or ability to apply professional principles or skills within the meaning of Wis. Stat. § 480.24(2)(b) by 'knowingly escalating or attempting to escalate bidding through false bids, shills, or through collusion with another,' in violation of Wis. Admin. Code § SPS 126.02(8)." See Order 1937 available online at <http://online.drl.wi.gov/decisions/2012/ORDER0001937-00007616.pdf>.

4. On or about July 15, 2015, the Wisconsin Auctioneer Board granted reinstatement of Applicant's auctioneer license to full, unrestricted status. Applicant demonstrated successful completion of 12 hours of continuing education, and Applicant paid the costs of \$7,218.23 in full, as well as \$1,000.00 forfeiture as required by Order 1937.
5. Since April 9, 2015, Applicant has had no new arrests or criminal convictions.
6. Since April 9, 2015, Applicant has had no new complaints or discipline relating to any professional license.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter, pursuant to Wis. Stat. §§ 452.05(1)(a) and 452.14(3), and is authorized to enter into the attached Stipulation, pursuant to Wis. Stat. § 227.44(5).
2. The facts and circumstances of the prior disciplinary actions on Applicant's Auctioneer credential outlined above substantially relate to the practice of a Real Estate Salesperson.
3. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. §§ 452.03 and 452.14(3).
4. Limitations upon Applicant's license are necessary to ensure that he is competent to act in a manner which safeguards the interests of the public, pursuant to Wis. Stat. § 452.03.

ORDER

NOW, THEREFORE, IT IS ORDERED that DEAN GEORGE is GRANTED A REAL ESTATE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Practice Limitations

1. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin licensed Real Estate Broker approved by the Board. Joseph Bradley, credential number 52229-90 is an approved broker supervisor. Should Applicant wish to change his supervising broker, approval shall be obtained through correspondence with the Department Monitor.
2. Applicant's supervising broker shall oversee and be responsible for all advertisements involving Applicant.
3. Applicant shall, prior to employment, notify his broker-employer of his history of arrests and convictions, and prior disciplinary matters, and shall provide a copy of this Order to his supervisor at all business entities where he works as a Real Estate Salesperson.
4. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and

municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any conviction resulting from his pending charge.

Reporting Requirements

5. Applicant shall file with the Board quarterly reports beginning 90 days after Applicant commences employment, and shall include the following:
 - a. The name, address and telephone number of the Applicant, and name, address, and telephone number of his employer;
 - b. A statement from the Applicant as to whether he has had any law enforcement contacts leading to arrest, charge, or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order;
 - c. A statement as to whether any disciplinary action has been taken against any credential held by the Applicant in Wisconsin or any other licensing jurisdiction;
 - d. An attestation that Applicant is complying with the statutes and administrative code rules relating to real estate.
6. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
7. Applicant shall arrange for written reports from his supervisor(s) to be provided to Department Monitor on a quarterly basis, starting 90 days after Applicant begins employment. These reports shall assess Applicant's work performance and describe the circumstances of his employment, including the nature and extent of the Applicant's sales activities and whether he has practiced in compliance with all laws governing the practice of real estate sales.
8. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.
9. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed, or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dpsmonitoring@wi.gov

Petitions for Modification

10. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

Costs

11. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Summary Suspension/Additional Discipline

12. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 17 day of February, 2016

Stephen Beers
Stephen Beers, Chairperson
Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON LICENSE

DEAN GEORGE
APPLICANT

STIPULATION

0004548

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Real Estate Examining Board as follows:

The Applicant has filed an application for a Real Estate Salesperson license. Information received by the Board reflects a basis for denial of the application for a credential. Based upon the information of record, the Board agrees to issue and the Applicant agrees to accept a Limited License as a Real Estate Salesperson license subject to the terms and conditions set forth in the attached Order.

Dated this 12 day of Feb., 2016

Dean George
Dean George, Applicant

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

Dated this 17 day of February, 2016

By: Stephen Beers
Stephen Beers, Chairperson
Real Estate Examining Board
